

Before the Board of Zoning Adjustment, D. C.

Application No. 11535 of William A. Burleson pursuant to Section 8207.11 of the Zoning Regulations for variances from the lot occupancy requirements floor area ratio requirement, and rear yard requirements of the C-2-A District as provided by Section 5302.1, 5301.1, and 5303.1 respectively for permission to construct a rear addition and basement to a single-family dwelling at the premise of 1000 Pennsylvania Avenue, S. E., Lots 57, Square 972.

HEARING DATE: February 13, 1974

EXECUTIVE SESSION: February 21, 1974

FINDINGS OF FACT:

1. The applicant proposes to use the addition for the purpose of storage, which would increase the efficiency of the office located on the premises.

2. The subject property is used by applicant as a residence and a law office.

3. There is no access to the back yard of the subject property.

4. The applicant requests a variance from the 60% allowable C-2-A lot occupancy requirement. The proposed addition would be 343.67 sq. ft. over the allowable lot occupancy and equals 100% lot occupancy.

5. The allowable F.A.R. of the C-2-A zone is 1.8, whereas applicant proposes an addition with an F.A.R. of 3.88.

6. The applicant proposed addition would provide no rear yard, whereas, the C-2-A rear yard requirement is 15 ft.

7. Both documentary and testimonial evidence of record indicates that the applicant began construction of the proposed addition without a building permit and the approval of this Board.

8. The partial construction of the proposed addition has covered over 2 windows of the house abutting the subject property. The owner of the abutting property, George E. Bentley, states that light and ventilation will be reduced completely and that he will have to provide mechanical lighting and ventilating devices at a considerable expense.

9. Opposition was registered at public hearing.

CONCLUSIONS OF LAW:

Based upon the above Findings, the Board is of the opinion that the applicant has not proved the existence of a hardship or practical difficulty within the meaning of the variance clause of the Zoning Regulations. Further, the Board concludes that it cannot grant the requested relief without substantial detriment to the public good. The applicants proposed addition, which was partially constructed without a building permit obstructs a first and 2nd-story window in an abutting property which cuts off his neighbors natural light and ventilation. If granted, the existing building plus the addition would amount to 100% lot occupancy, which the Board feels would be a substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

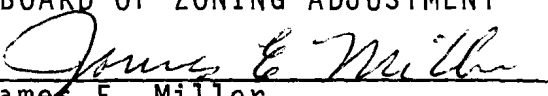
ORDERED:

That the above application be DENIED.

VOTE: 4-0 (Mr. Harps absent, not voting.)

BY THE ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


James E. Miller,
Secretary to the Board

FINAL DATE OF ORDER: **MAR 27 1974**